

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

In the Matter of an Arbitration Between:

PT SUMOHADIWIDJOJO,

Applicant and  
Counterclaim Defendant  
(Respondent below)

and

BSB RESIDUAL ASSETS TRUST,  
BSB TRUST COMPANY, LTD., Trustee,

Respondent and  
Counterclaim Plaintiff  
(Claimant below).

CITIZENS BANK

Trustee

CIVIL ACTION NO. 04 12646 NG

STATEMENT OF BSB RESIDUAL ASSETS  
TRUST AND BSB TRUST COMPANY, LTD.,  
TRUSTEE, REGARDING OBJECTION TO  
JUDGE DEIN'S APRIL 12, 2005 ORDER ON  
MOTION TO VACATE OR REDUCE *EX*  
*PARTE* ATTACHMENT

Respondent and Counterclaim Plaintiff BSB Residual Assets Trust and BSB Trust Company, Ltd., Trustee, (collectively “BSB”) submits the following statement regarding the “Objection to Magistrate Judge Dein’s April 12, 2005 Order on Respondent’s Motion to Vacate or Reduce *Ex Parte* Attachment,” filed on May 2, 2005 by Applicant and Counterclaim Defendant PT Sumohadiwidjojo (“PTSW”).

BSB submits that Magistrate Judge Dein’s April 12 Order correctly analyzed relevant factors and is not “clearly erroneous or contrary to law.” Fed. R. Civ. P. 72(a). BSB has determined, however, that the amount of money implicated by PTSW’s objection (\$15,000) does not justify the costs that would be expended to litigate the validity of the April 12 Order. Consequently, BSB is not submitting a formal detailed response to PTSW’s objection. BSB’s

Statement is without prejudice to BSB's positions on the merits of its counterclaim, on the inappropriateness of the attachment in this case in view of BSB's counterclaim and other factors, or on BSB's right to seek a stay of confirmation and enforcement of the arbitral award at issue in this case (or other appropriate relief) pending adjudication of BSB's counterclaim.

Respectfully submitted,

/s/ Mark C. Fleming  
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Plaintiff BSB Residual Assets Trust  
and BSB Trust Company, Ltd., Trustee

Dated: May 9, 2005